



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

Phone 410-641-2770 Fax 410-641-2316

www.berlinmd.gov



Mayor

Wm. Gee Williams, III

Vice President

Elroy Brittingham, Sr.

Council Members

Dean Burrell, Sr.

Lisa Hall

Paula Lynch

Troy Purnell

BERLIN, MARYLAND

MAYOR AND COUNCIL MEETING

Town Attorney

David Gaskill

MONDAY, MARCH 26, 2012

Town Administrator

Anthony J. Carson, Jr.

COUNCIL CHAMBERS – BERLIN TOWN HALL

10 WILLIAM STREET

BERLIN, MD 21811

EXECUTIVE SESSION6:30 PM

REGULAR SESSION7:00 PM

Anyone having questions about the meetings mentioned above or needing special accommodations should contact Tony Carson, Town Administrator at (410) 641-4144

TTY users dial 7-1-1 in the State of Maryland

TTY users outside Maryland dial 1-800-735-2258

**BERLIN MAYOR AND COUNCIL
COUNCIL MEETING
AGENDA
Monday, March 26, 2012**

6:30 PM EXECUTIVE SESSION – Berlin Town Hall Conference Room

7:00 PM REGULAR SESSION – Berlin Town Hall Council Chambers

1. Approval of the Minutes for:
 Executive Session of the Mayor and Council on March 12, 2012
 Statement of Closure for Mayor and Council on March 12, 2012
 Regular Session of the Mayor and Council on March 12, 2012
2. Kate Patton – Presentation: Trail Initiative
3. Jennifer Dawicki – The Globe
 Request to Extend License permit to Public Property, Sale of beer, wine & liquor
 - a. Motion to Approve - May 5, 2012; 12 noon to 8:00 pm (Jazz & Blues Bash)
 - b. Motion to Approve - May 11, 2012; 5:00 pm to 9:00 pm (May Day Play Day)
4. Introduction-Ordinance 2012-02 (Bed & Breakfast)
 An ordinance amending § 107-34, District Regulations R-1 Residence District
 Public hearing to be held on April 9, 2012
5. Discussion – Proposed Ordinance on Residential Structure Height Limits
6. Resolution 2012-03
 A Resolution incorporating current and future water & sewer rates into one
 resolution for years 2012 through 2014.
7. Plans required by Department of Housing and Community Development
 - a. Citizen Participation Plan
 - b. Fair Housing & Equal Opportunity
 Proclamation 2012-08; Fair Housing Month, April 2012
 - c. Guide for Residential Anti Displacement and Relocation Assistance Plan
 - d. Minority and Women Business Plan
 - e. Section 3 Plan
8. Citizen Participation – Community Development Block Grant
 - a. Public Hearing
 - b. Resolution 2012-05
9. Motion to Approve – Officer's Certification – PJM Minimum Participation
 Requirements

10. Departmental Reports
 - a. Deputy Town Administrator – Mary Bohlen
 - b. Public Works – Mike Gibbons
 - c. Water Resources – Jane Kreiter
 - d. Electric – Tim Lawrence
 - e. Police – Arnold Downing
 - f. Planning and Zoning - Chuck Ward
 - g. Human Resources – Jeff Fleetwood
 - h. Economic and Community Development – Michael Day
11. Town Administrator's Report
12. Comments from the Mayor
13. Comments from the Council
14. Comments from the Public
15. Comments from the Press
16. Adjournment

MAYOR AND COUNCIL OF BERLIN, MARYLAND
Regular Session Council Minutes
Monday, March 12, 2012

The meeting of the Mayor and Council for Monday, March 12, 2012 was called to order by Mayor Williams at approximately 7:04 p.m. Councilmembers Lynch, Hall, Burrell, Brittingham and Purnell were present, as well as Town Administrator Tony Carson, Human Resources Director Jeff Fleetwood, Finance Director Lynn Musgrave, Deputy Town Administrator Mary Bohlen, Economic and Community Development Director Michael Day, Electric Utility Director Tim Lawrence, Planning & Zoning Director Chuck Ward, Public Works Director Mike Gibbons, and Administrative Assistant Sharon Timmons. Police Chief Arnold Downing and Water Resources Director Jane Kreiter were absent.

Following the recitation of the Lord's Prayer and the Pledge of Allegiance, Mayor Williams asked for a motion to approve the Executive Session Minutes of February 27, 2012. Councilmember Lynch made a motion to approve the minutes and the council voted unanimously to approve 5-0. Mayor Williams stated that the Executive Session was closed to consider the investment of public funds, to discuss a personnel matter that affects specific individuals and the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction. Mayor Williams continued by requesting approval of the Regular Session Minutes of February 27, 2012. Councilmember Brittingham made a motion to approve the minutes and council voted unanimously to approve 5-0.

Mayor Williams requested that Mrs. Patty Falck come forward to receive Proclamation 2012-06, a proclamation declaring March as Multiple System Atrophy Awareness month. Mrs. Falck's husband Steve is currently battling this disease. Mayor Williams read the Proclamation. Mrs. Falck stated that MSA is a neurodegenerative disease that affects all motor skills and is similar to Parkinson's. Unfortunately there is no cure. Mrs. Falck thanked the Mayor and Council for the Proclamation on behalf of her husband and other victims.

Mr. Bill Badger, the new Director of Economic Development for Worcester County came before the council, introduced himself and spoke of how economic development aspires to help create job opportunities and revenues for the county. Mr. Badger stated that the US Transportation department had been seeking TIGER IV grants regarding the upgrading of the MD/DE railroad lines to help protect jobs in the county, Snow Hill and the Lower Shore. He stated that as of this morning, Tyson had chosen to withdraw their support at this time for the TIGER IV application, but the County will continue to work with Tyson to help protect the jobs in Snow Hill.

Economic and Community Development Director Michael Day explained Resolution 2012-04 which proposes to designate the Town of Berlin as a Sustainable Community. Mr. Day stated that Sustainable Community was previously known as Community Legacy, but has been renamed, thus requiring the Town to re-apply. Sustainable Community allows the Town to apply for the same funds as Community Legacy allowed. Councilmember Hall made a motion to approve Resolution 2012-04 and council unanimously approved 5-0.

Deputy Town Administrator Mary Bohlen spoke of the items being submitted for allocation of funds from the Program Open Space program and the application for grant funding. Ms. Bohlen stated that the priority for funding was for the design, engineering, preparation of bid documents and cost estimates for a walking path in Henry Park which was also incorporated into the Comprehensive Plan of 2009. Ms. Bohlen stated that turn around time should be around 60-90 days from the submission of

the application. The second priority is the construction of the walking path. Also listed was the expansion of the tot lot at Stephen Decatur Park if additional funds were made available. Discussion continued on the areas regarding the wetland concept, the center green area shown on the map and the materials being used for the walking path. Town Administrator Carson stated that information had been sent to the Town by DNR on available grant monies for the parks. Councilmember Purnell made a motion to approve both the annual program and the application for grant funding and council voted unanimously to approve 5-0.

Mayor Williams explained the request for the Water Use Agreement between the Town of Berlin and the Worcester County Commissioners for the sub-division known as Briddletown. Discussion continued. Councilmember Hall made a motion to approve the Water Use Agreement and council unanimously to approve 5-0.

Discussion began on the requests from the Planning Commission and the Historic District Commission regarding proposed architectural standards and comprehensive re-zoning. Chairman Newt Chandler and Carol Rose came before the council. Mr. Chandler stated that the commissions are striving to preserve the character of the neighborhoods by developing guidelines to follow for new construction or re-construction. The commissions would like to have funds to hire a professional firm to prepare a pattern or guideline book for developers to follow as they build within those neighborhoods. These new guidelines would affect the outlying neighborhoods only, not the historic district. Planning and Zoning Director Chuck Ward stated that this document would consist of elements that the Town would like to see rather than restrict them and also give the applicant prior knowledge. Discussion followed. Mayor Williams requested to research the costs involved. Town Administrator Carson recommended that if the council decides to go forth with the concept, the Town could reserve monies in the contingency fund for the FY13 budget. Councilmember Lynch recommended that the neighborhoods affected should be defined first. Mr. Carson recommended that each of the two commissions bring back a recommendation on the scope of services so the Town can merge into one document. Mr. Chandler suggested that the identification of the neighborhoods which would be affected and the features to be upheld needed to be included. Mayor Williams asked if the commissions could have the information and formal recommendations back to the council for review by the first week of May. Mr. Chandler stated that he felt comfortable that the Planning Commission could handle the comprehensive re-zoning, but wanted the public to have the opportunity to be involved. Mayor Williams agreed that a workshop be held for open input from the public with final judgments to come from the commission.

Departmental reports began with Deputy Town Administrator Mary Bohlen reporting that the Access Channel is currently down due to the need for a Digital Converter which will arrive on Wednesday. She announced that Take Pride in Berlin has a Facebook page and would like input from the residents. She continued her report stating that the Henry Park Walking Path project would be holding a pre-bid meeting on the 14th with a bid opening on the 27th.

Electric Utility Director Tim Lawrence reported that work on the cooling tower had been completed, the two capacitors banks had been installed, new electric service had been installed at the restaurant at 119 North Main Street and that they were beginning to install the new low sodium lights on South Main Street to Route 113.

Public Works Director Mike Gibbons reported that his department would be working at the drainage ditch at St. Paul's Church over the next two weeks including removal of the trees in the ditch. Councilmember Hall inquired about the low number of trash cans at Stephen Decatur Park. Mr. Gibbons responded that most of the cans are taken back to the shop over the winter, but they would be starting to return them back to the park. Councilmember Lynch commented that the work on the road cracks on

Buckingham Lane looked nice. Mayor Williams asked Mr. Gibbons to think of recommendations regarding improvements to streets throughout town using the same amount of monies as last year.

Planning & Zoning Director Chuck Ward reported that his department was receiving less calls regarding property maintenance, but there was an increase in the applications and/or inquiries regarding residential and commercial property work.

Human Resources Director Jeff Fleetwood reported that he had attended a LGIT workshop in Cambridge on property and liability renewals and that he was working with the insurance vendors to fine tune our benefits and insurance costs.

Economic and Community Development Director Michael Day reported that John's Cigars had celebrated their one year anniversary, a second Business Expo was being held at the old Harley Davidson building and Sue's Barbership would have a ribbon cutting on the 21st. Discussion continued on the progress of the openings of several businesses in town.

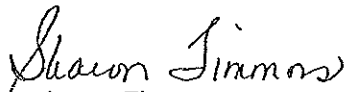
Town Administrator Tony Carson presented and requested approval of 4 purchase orders (201202256, 201200285, 201202344 and 201202401). Councilmember Burrell made a motion to approve all 4 purchase orders and council voted unanimously to approve 5-0.

Mayor Williams asked for comments from the council. Councilmember Lynch inquired about the monies received from FEMA and how they would be disbursed. Councilmember Hall stated that she had received complaints about some customers not receiving phone calls back.

Mayor Williams asked for comments from the public or the press. Lara Rodriguez, manager of Sunshine Apartments came before the council and spoke of her frustration of receiving bills from 2010 and 2011 which had already been paid. Discussion continued and Mr. Carson asked Ms. Rodriguez to meet with him tomorrow to try and rectify the situation. Mr. Wharton spoke of cut off notices for electric being delivered to the wrong homes.

There being no further comments, Councilmember Hall made a motion to adjourn and the meeting ended at 8:44p.m.

Respectfully submitted,


Sharon Timmons
Administrative Assistant

ORDINANCE 2012-02

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A MARYLAND MUNICIPAL CORPORATION, AMENDING § 107-34, DISTRICT REGULATIONS R-1 RESIDENCE DISTRICT.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the Town of Berlin as follows:

- B. Conditional uses requiring Board authorization in accordance with §§ 107-69 and 107-70 of this chapter and site plan review pursuant to §107-61:
- (4) The new construction of a dwelling or the conversion of an existing dwelling ~~as of the effective date hereof~~ into a bed-and-breakfast facility, which shall be a single-family owner-occupied dwelling in which overnight sleeping rooms are rented on a short-term basis to transients subject to the following restrictions:
 - (a) No bed-and-breakfast facility shall contain more than four guest sleeping rooms.
 - (b) Only designated rooms shall be used for sleeping.
 - (c) A minimum of one full bathroom with lavatory, toilet and shower or tub or combination thereof shall be available for every two guest rooms as well as one for the owner-occupant.
 - (d) No guestroom shall contain more than two beds.
 - (e) On-site off-street parking in the rear or side yard in accordance with the code shall be provided at the rate of one space per guestroom and two spaces for the owner-occupant.
 - (f) No cooking facilities shall be permitted in any guestroom.
 - (g) Upon conversion of an existing dwelling to a bed-and-breakfast facility no additional entrance shall be permitted in the front facade.
 - (h) No guest shall be permitted in a bed-and-breakfast facility for more than 10 consecutive nights.
 - (i) No more than four persons shall simultaneously occupy any one guest room in a bed-and-breakfast facility.
 - (j) There shall be no more than two nonresident employees in or about the bed-and-breakfast facility.
 - (k) There may be only one on-premises advertising sign, which shall not exceed more than four square feet. The sign shall not be self-illuminated.
 - (l) Breakfast only shall be served only to overnight guest.
 - (m) Where a bed and breakfast facility is proposed on a single lot greater than one (1) acre in size, the Board shall have the authority to modify the above criteria, provided that such modification does not substantially impair the purpose of this chapter as stated in § 107-1.

Adopted and effective this _____ day of _____, 2012 by the Council of the Town of Berlin, Maryland, by affirmative vote of _____ to _____ opposed, with _____ abstaining.

Elroy Brittingham, Sr. Vice-President

Approved and effective this _____ day of _____, 2012 by the Mayor of the Town of Berlin, Maryland.

Wm. Gee Williams III, Mayor

ATTEST:

Anthony Carson, Jr. Town Administrator

ORDINANCE 2012-03

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN
OF BERLIN, A MARYLAND MUNICIPAL CORPORATION,
AMENDING CHAPTER 107, Zoning,

WHEREAS The Mayor and Council of Berlin have determined that in certain circumstances, reasonable deviations from residential structure height restrictions may be appropriate, AND

WHEREAS, the Mayor and Council agree that the allowance of reasonable deviation from height restrictions in the R-1 and R-2 Residential Zoning Districts may provide for harmonious construction and redevelopment,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the Town of Berlin that Chapter 107 be amended as follows:

§ 107-34. R-1 Residence District.

D. Height regulations. No principal structure or part thereof, except as provided in § 107-55 or (1) below, shall exceed 2 ½ stories or 30 feet in height, and no accessory structure shall exceed 1 ½ stories or 25 feet in height.

(1) In the R-1 and R-2 Districts, a variance from the maximum height restriction for a principal structure may be considered by the Board of Appeals, but in no case shall the Board permit a structure that exceeds thirty-five (35) feet in height. The Board shall consider the height of structures, as measured from the average grade, on adjoining properties as well as those in the immediate vicinity. The Board shall not permit a height variance unless the applicant can provide certifiable documentation that adjacent structures or existing structures in the immediate vicinity currently exceed the height regulations in 107-34-D.

THIS ORDINANCE was introduced and read at a meeting of the Town Council held on the _____ day of _____, 2012, and thereafter a statement of the substance of the Ordinance having been published as required by law was finally passed by the Town Council on the _____ day of _____, 2012.

Adopted and effective this _____ day of _____, 2012 by the Mayor and Council of the Town of Berlin, Maryland, by affirmative vote of _____ to _____ opposed, with _____ abstaining.

Elroy Brittingham, Sr., Vice-President

Approved and effective this _____ day of _____, 2012 by the
Mayor of the Town of Berlin.

Wm. Gee Williams, III, Mayor

ATTEST: Anthony J. Carson, Jr., Town Administrator

RESOLUTION 2012-03

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, TO ESTABLISH WATER, SEWER AND SANITATION USAGE RATES AND CONNECTION FEES PURSUANT TO THE AUTHORITY SET FORTH IN THE CODE OF THE TOWN OF BERLIN, MARYLAND.

DEFINITIONS

1. **CONNECTION CHARGES** are designed to recoup only the cost of making individual connections from the water or wastewater mains in the street to the property line of an abutting lot and are due and payable at the time a request is made for service. In the case of new construction this fee is due and payable before a "CERTIFICATE OF OCCUPANCY" is issued.
2. **SPECIAL CONNECTION CHARGES** are designed to pay debt service for capital improvements and are due and payable at the time a request is made for service. In the case of new construction this fee is due and payable before a building permit is issued.
3. **EQUIVALENT DWELLING UNIT** – The Equivalent Dwelling Unit (EDU) is the term used to describe the amount of water usage by a typical family during one twenty-four hour period. Maryland Department of the Environment has approved two hundred fifty gallons per day as the amount of water consumption for planning purposes for the Town of Berlin.
4. **READY TO SERVE CHARGE** is a charge based upon the number of EDU(s) applied to all lots or parcels of land (improved or unimproved) located within the Corporate Limits of the Town of Berlin for which water and/or wastewater service is available, but not being used. Worcester County requires the Town to reserve the appropriate number of EDU's for each lot to supply the property with the level of service necessary to meet the need of the intended use of the property as approved by the Town of Berlin Planning and Zoning Commission.

BE IT RESOLVED by the Mayor and Council of the Town of Berlin, Maryland that the following usage rates are hereby established:

1. Pursuant to Section 102-7 of the Code of the Town of Berlin, the Rates, Fees, and Terms and Conditions for water usage are hereby established:

- (a) For metered customers INSIDE of the Town limits the following monthly water rates will apply:

	Billing Effective <u>January 1</u>	Billing Effective <u>January 1</u>	Billing Effective <u>January 1</u>	Billing Effective <u>January 1</u>
Number of gallons	2010	2011	2012	2013
0 - 2000	\$14.00	\$14.98	\$15.28	\$15.59
3000 - 5000	\$15.12	\$16.18	\$16.50	\$16.83
6000 - 8000	\$16.80	\$17.98	\$18.34	\$18.70

Any water consumption over 8,000 gallons per month will be billed at the rate of per thousand gallons.

Billing Effective <u>January 1</u>	Billing Effective <u>January 1</u>	Billing Effective <u>January 1</u>	Billing Effective <u>January 1</u>
2010	2011	2012	2013
\$3.81	\$4.08	\$4.16	\$4.24

- (a) For non-residential metered customers holding an approved allocation agreement exceeding the EDU allocation for the property, the rates will be doubled that represented in the above paragraph as indicated in excess of 8000 gallons per month.
- (b) For metered customers being served OUTSIDE of the Town limits the rates will be doubled that represented in the above paragraph.
- (c) A "READY TO SERVE FEE" will be assessed based upon the number of EDU(s) assigned, to all non-metered parcels with service available within the Corporate Limits. This fee will be 50% of the current minimum water service rate. Should a customer request the removal of an existing water meter, to qualify for this class of service the customer must pay for the actual cost to remove the meter.
- (d) All applications for water service will be in the property owner's name. Billing will be sent to the property owner and the property owner will be responsible for all payments.

(e) Temporary "SHUT OFF" Fee – Requests for shutoffs, except for emergency reasons, must be made on an application form provided by the Town. Non-emergency disconnection requested prior to 4:00 P.M. on a business day will normally be performed the same day. Requests received after 4:00 P.M. will be honored on the next business day. In the case of a requested EMERGENCY DISCONNECT this documentation must be completed by the end of the next working day.

(1) There will be no charge for this service if it is provided during business hours.

(2) There will be a fee in the amount of \$50.00 assessed to provide this service during non-business hours.

(f) "TURN-ON" Fee:

(1) There will be no charge for this service if it is provided during business hours.

(2) There will be a fee in the amount of \$50.00 assessed to provide this service during non-business hours.

(g) **The Property Owner is responsible for water meter damage to include meter and pit unless otherwise determined by the Director of Water and Wastewater to be normal wear and tear.**

If a water meter replacement is required, a "minimum" replacement charge, which includes all normal parts and labor of Two Hundred Fifty dollars (\$250.00) will be assessed.

2. Pursuant to Section 108-8 of the Code of the Town of Berlin, Maryland, the following Fees for water connection charges are hereby established:

(a) The Town will charge all class of customers a "CONNECTION CHARGE" to install the water service. This charge will include all costs necessary to establish the service to include labor and materials.

(b) **SINGLE FAMILY DWELLING UNIT** – The "SPECIAL CONNECTION CHARGE" to the Municipal Water Distribution System will be three thousand six hundred dollars (\$3,600.00) for each equivalent dwelling units (EDU) for a grandfathered parcel which is currently paying a ready to serve fee and four thousand four hundred twenty five dollars (\$4,425.00)per equivalent dwelling unit (EDU) for all other parcels.

- (c) MULTI-FAMILY DWELLING UNIT - The "SPECIAL CONNECTION CHARGE" to the Municipal Water Distribution System will be three thousand six hundred dollars (\$3,600.00) for each equivalent dwelling unit (EDU) for a grandfathered parcel which is currently paying a ready to serve fee and four thousand four hundred twenty five dollars (\$4,425.00) per equivalent dwelling unit (EDU) for all other parcels. This category includes condominiums, townhouses and apartments. One water meter will be required for each unit unless otherwise approved. Developers will be responsible for the extension of mains, services and installation of meter assemblies within the property. These costs are exclusive of the CONNECTION CHARGE.
- (d) NON DWELLING UNIT – The "SPECIAL CONNECTION CHARGE" to the Municipal Water Distribution System will be determined by the Town of Berlin based upon the anticipated use of the property. The property owner will be assessed three thousand six hundred dollars (\$3,600.00) per equivalent dwelling unit (EDU) for a grandfathered parcel which is currently paying a ready to serve fee and four thousand four hundred twenty five dollars (\$4,425.00) per equivalent dwelling unit (EDU) for all other parcels. This category includes all business and commercial buildings, shopping centers, schools, restaurants and fast food establishments, Laundromats and all other Non Dwelling buildings. One water meter will be required for each unit unless otherwise approved. Developers will be responsible for the extension of mains, services and installation of meter assemblies within the property. These costs are exclusive of the Connection Fees. The Town will monitor water flow to the Non Dwelling unit for a period of twenty four months. If the flow exceeds the established EDU's (two hundred fifty gallons per day per EDU), assigned to the property the Non Dwelling unit will be assessed additional SPECIAL CONNECTION CHARGES as appropriate.
- (e) Although the Town of Berlin as a matter of practice does not extend its water mains beyond the corporate limits, in the event this situation occurs the property owner will be assessed twice the normal connection charge and the special connection charge.
- (f) In the event a customer modifies his property to a greater water use then the current service the Town will re-compute the SPECIAL CONNECTION CHARGES stated above with a credit given for the pre-existing condition.
- (g) In the event the water meter was removed and sewer service abandoned prior to July 1, 2010, a Special Connection fee will not be assessed in the case of a reconnection, subject to sufficient proof of prior connection by the property owner and approval by the Mayor and Council.

3. Pursuant to Section 86-16 of the Code of the Town of Berlin, the Rates, Fees, and Terms and Conditions for sewer usage are hereby established.

- (a) For metered customers INSIDE of the Town limits the following monthly sewer rates shall apply and be effective as of July 1, 2011:

		Billing Effective <u>July 1</u>	Billing Effective <u>July 1</u>	Billing Effective <u>July 1</u>	Billing Effective <u>July 1</u>
Number of Gallons	2010	2011	2012	2013	2014
0 - 2000	\$ 38.34	\$40.26	\$42.27	\$46.60	\$48.93
3000 - 5000	\$ 41.54	\$43.62	\$45.80	\$50.49	\$53.01
6000 - 8000	\$ 45.80	\$48.09	\$50.49	\$55.67	\$58.45

Any wastewater usage over 8,000 gallons per month will be billed effective July 1, 2011 at the rate per thousand gallons.

	Billing Effective <u>July 1</u>	Billing Effective <u>July 1</u>	Billing Effective <u>July 1</u>	Billing Effective <u>July 1</u>
2010	2011	2012	2013	2014
\$5.33	\$5.60	\$5.88	\$6.48	\$6.80

- (b) For metered customers being served OUTSIDE of the Town limits the rates will be doubled that represented in the above paragraph.
- (c) A "READY TO SERVE FEE" will be assessed based upon the number of assigned EDU(s) on all Non-metered parcels within the Corporate limits. This fee will be 50% of the current minimum sewer rate.
- (d) All applications for sewer service will be in the property owner's name. Billing will be sent to the property owner and the property owner will be responsible for all payments.

4. Pursuant to Section 86-17 of the Code of the Town of Berlin, the following Fees for sewer CONNECTION CHARGES are hereby established:

- (a) The Town will charge all class of customers a "CONNECTION CHARGE" to install the wastewater service. This charge will include all costs necessary to establish the service to include labor and materials.
- (b) SINGLE FAMILY DWELLING UNIT – The SPECIAL CONNECTION CHARGE to the Municipal Wastewater Collection System will be eight thousand three hundred thirty eight dollars (\$8,338.00) per EDU for a grandfathered parcel which is currently paying a ready to serve fee and twelve-thousand two hundred sixty one dollars (\$12,261.00) per EDU for all other parcels.
- (c) MULTI-FAMILY DWELLING UNIT – The SPECIAL CONNECTION CHARGE to the Municipal Wastewater Collection System will be eight thousand three hundred thirty eight dollars (\$8,338.00) per EDU for a grandfathered parcel which is currently paying a ready to serve fee and twelve thousand two hundred sixty one dollars (\$12,261.00) per EDU for all other parcels. This category includes condominiums, townhouses and apartments. Developers will be responsible for the extension of mains, services and clean outs within the property. These costs are exclusive of the CONNECTION CHARGE.
- (d) NON DWELLING UNIT – The SPECIAL CONNECTION CHARGE to Municipal Wastewater Collection system will be determined by the Town of Berlin based upon the anticipated use of the property. The property owner will be assessed eight thousand three hundred thirty eight dollars (\$8,338.00) per equivalent dwelling unit (EDU) for a grandfathered parcel which is currently paying a ready to serve fee and twelve thousand two hundred sixty one dollars (\$12,261.00) per equivalent dwelling unit (EDU) for all other parcels. This category includes all business and commercial buildings, shopping centers, schools, restaurants and fast food establishments, laundromats and all other Non Dwelling buildings. Developers will be responsible for the extension of mains, services, and clean outs within the property. These costs are exclusive of the CONNECTION CHARGE. The Town will monitor wastewater flow from the Non Dwelling Unit for a period of twenty four months. If the flow exceeds the established EDU's (two hundred fifty gallons per day per EDU), as assigned to the property, the Non Dwelling unit will be assessed additional SPECIAL CONNECTION CHARGES as applicable.

- (e) Although the Town of Berlin as a matter of practice does not extend its Wastewater collection system beyond the corporate limits, in the event this situation occurs, the property owner will be assessed twice the normal SPECIAL CONNECTION CHARGES.
 - (f) In the event a customer modifies his property to a greater waste-water use than the current service the Town will re-compute the SPECIAL CONNECTION CHARGES as stated above with a credit given for the pre-existing condition.
5. Hydrant Permit: Pursuant to Section 102-10 of the Code of the Town of Berlin, the Rate and Terms of hydrant use is hereby established:
- (a) \$50.00 permit application Fee, plus \$15.00 + \$3.81 meter maintenance per 1,000 gallons of usage, plus all terms of the permit applications must be met.
 - (b) A \$200.00 dollar fine, plus all costs of service and/or repair may be imposed upon the property owner for any unauthorized use of and/or tampering with a Town of Berlin water system hydrant, shut-off valve or meter.
6. Swimming Pool: Pursuant to Section 102-9 of the Code of the Town of Berlin, the Rate and term of swimming pools is hereby established:
- Swimming pool owners may request the Town of Berlin reduce their sewer system charge by that amount of metered water used to fill their swimming pool. The Town must be notified prior to the filling of the pool using the customers installed water meter. The sewer charge correction will be made at the current Rate of \$5.00 per 1,000 gallons, and a \$20.00 service fee will normally appear on the next customer's monthly utility bill. This credit is available only once each calendar year unless otherwise approved by the Mayor and Council.
7. Septage Treatment Rates: A "Septage Treatment" Rate of .06 cents per gallon is hereby established effective July 1, 2011. The GENERAL Terms and Conditions of the Town of Berlin's acceptance of "Septage Treatment" are as follows:
- (a) All septage haulers must be approved by the Wastewater Superintendent prior to Berlin acceptance of septage for treatment.
 - (b) All septage haulers must comply to ALL of the Berlin Wastewater Departments DETAILED "Terms and Conditions" for acceptance of septage for treatment.

- (c) The Town of Berlin retains the right to terminate acceptance of septage for treatment upon discovery of any violation of its detailed "Terms and Conditions", and for non-payment of its treatment Fee within 60 days of its invoice date.
 - (d) A Surcharge of \$200.00 per shift is established for the acceptance of septage for treatment outside of normal work hours.
 - (e) A one and one-half percent/month (1.5%) late charge shall be assessed on septage treatment charges more than 30 days in arrears.
8. Pursuant to Berlin Charter Article –X, Section C10-1.F; and Chapter 86-19.B, of the Code of the Town of Berlin, Berlin hereby establishes a "Laboratory Testing Service", as per:
- (a) Establishes a Testing program that meets all State and Federal requirements; and
 - (b) Establishes the Senior Laboratory Technician, Laboratory Technician, and Assistant Laboratory Technician job duties & responsibilities, qualifications, and training standards; and
 - (c) Establishes a list of Berlin's "Laboratory Testing" services and a Fee Schedule for Berlin's Laboratory Tests; and
 - (d) Establishes a set of detailed "Terms and Conditions" for the Administration of the Testing Program; and
 - (e) Berlin retains the right to terminate its "Testing Services" upon violation of any provision of its Testing Program.
9. The Berlin Mayor and Council hereby adopt "Design Parameters, Standard Specifications and Details for Installation of Water & Sewer Utilities and roadway Construction Projects", as more specifically set forth in the booklet compiled by the Consulting Engineering Firm of Davis, Bowen and Friedel, dated January 28, 1991, and revised dated January 1999, and as those Standards may be duly amended from time to time.

ADOPTED THIS ____ DAY OF _____, 2012 BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND BY THE AFFIRMATIVE VOTE OF ____ TO ____ OPPOSED, WITH ____ ABSTAINING.

BY: _____
WILLIAM GEE WILLIAMS, III, MAYOR

BY: _____
ELROY BRITTINGHAM, SR., COUNCIL VICE PRESIDENT

ATTEST: _____
ANTHONY J. CARSON, JR.
TOWN ADMINISTRATOR



Mayor & Council of Berlin



3/20/12

To: Mayor & Council

From: Mary T. Bohlen, Deputy Town Administrator *MTB*

Re: Plans required by DHCD

Attached you will find the following plans required for eligibility for CDBG funds:

1. Citizen Participation Plan
2. Fair Housing and Equal Opportunity Plan
3. Residential Anti Displacement and Relocation Assistance Plan
4. Minority and Women Business Plan
5. Section 3 Plan

The reason for presenting these plans at this evening's meeting are twofold:

All of the plans are valid for a three year period after passage. Over the years, as plans have been amended and/or added, passage has occurred at various intervals. Adopting all of the plans at one time this year simply makes housekeeping easier in subsequent years.

With the exception of #'s 2 and 4 above, all of the other plans listed have been in place for some time. Several other plans have now been incorporated into the Fair Housing and Equal Opportunity Plan being presented for the first time at this meeting. The Minority and Women Business Plan is also being presented for the first time.

I have also included the Fair Housing Month Proclamation that we normally pass in April, simply for the sake of completing everything at one time.



Mayor & Council of Berlin



MARYLAND COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CITIZEN PARTICIPATION PLAN

The Mayor and Council of the Town of Berlin, Maryland has adopted this Citizen Participation Plan to meet the citizen participation requirements of 24 CFR 570.486 and 24 CFR 91.115(e). Regulations require that each unit of general local government receiving or expecting to receive Community Development Block Grant Funds:

- Provide for and encourage citizen participation, particularly by low and moderate income persons who reside in slum or blighted areas and areas in which CDBG funds are proposed to be used;
- Ensure that citizens will be given reasonable and timely access to local meetings, information and records relating to the unit of general local government's proposed and actual use of CDBG funds;
- Furnish citizens information including but not limited to:
 - ❖ the amount of CDBG funds expected to be made available for the current fiscal year (including the grant and anticipated program income);
 - ❖ the range of activities that may be undertaken with CDBG funds;
 - ❖ the estimated amount of the CDBG funds proposed to be used for activities that will meet the national objective of benefit to low and moderate income persons; and
 - ❖ the proposed CDBG activities likely to result in displacement and the unit of general local government's anti-displacement and relocation plans required under 24 CFR 42.325.
- Provide technical assistance to groups representative of persons of low and moderate income that request assistance in developing proposals in accordance with procedures developed by the State. Such assistance need not include providing funds to such groups;
- Provide for a minimum of two public hearings, each at a different stage of the program, for the purpose of obtaining citizen's views and responding to proposals and questions. Together the hearings must cover community development and housing needs, development of proposed activities and a review of program performance. Public hearings to cover community development and housing needs must be held before submission of an application to the State. There must be reasonable notice of the hearings and they must be held at times and locations convenient to potential or actual beneficiaries, with accommodations for the handicapped. Public hearings shall be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can reasonably be expected to participate;
- Provide citizen's with reasonable advance notice of, and opportunity to comment on, proposed activities in an application to the State and, for grants already made, activities which are proposed to be added, deleted, or substantially changed from the unit of general local government's application to the State. Substantially changed means changes made in terms of purpose, scope, location or beneficiaries as defined by criteria established by the State;

- Provide citizens the address, phone number and times for submitting complaints and grievances, and provide timely written answers to written complaints and grievances, within 15 working days where practicable.

CDBG funded activities may serve beneficiaries outside the jurisdiction of the unit of general local government that receives the grant, provided the unit of general local government determines that the activity is meeting its needs in accordance with section 106(d)(2)(D) of the Act.

PROVISION OF INFORMATION, PUBLIC HEARINGS AND COMMENTS

The Mayor and Council of the Town of Berlin will provide reasonable access to records and information on the proposed and actual use of CDBG funds during regular business hours of 8:30 am - 5:00pm at the following location:

Town Hall
10 William Street
Berlin, Maryland 21811

Where possible, the Mayor and Council of the Town of Berlin will provide copies of documents or access to copying services to citizens or groups requesting information at their own expense.

Information will be furnished to citizens through public notice in OC Today, a newspaper of general circulation. The Mayor and Council of the Town of Berlin may also provide additional information to its citizens about the CDBG Program through articles in local newspapers, newsletters or community bulletins, flyers distributed door to door or at presentations made at community meetings.

The Mayor and Council of the Town of Berlin will hold **at least one** public hearing to receive input by citizens on the housing and community development needs of the jurisdiction and to discuss the development of proposed activities. This hearing will be held **prior to submission of an application for CDBG funds**. The public notice will state that the following will be discussed:

- the amount of CDBG funds available
- the range of activities that may be undertaken with CDBG funds;
- the estimated amount of the CDBG funds proposed to be used for activities that will meet the national objective of benefit to low and moderate income persons; and
- the plans of the Mayor and Council of the Town of Berlin likely to result in displacement and the unit of general local government's anti-displacement and relocation plans required under 24 CFR 570.488.

If the MD CDBG Program funds the activity, a **second hearing** on program performance must be held at some point during the grant period **after the activity has been initiated**.

The MD CDBG Program requires that notice of a public hearing be published in a newspaper of general local circulation no less than five (5) days in advance of the hearing. Hearings will be held at times and locations convenient to actual or potential beneficiaries and at locations accessible to the disabled. Documentary evidence that the required notices are published and public hearings are held in accordance with the plan will be maintained. Copies of the actual notices and/or affidavits shall be a part of the files, in addition to minutes of the hearings. Written minutes of the hearing and an attendance roster will be maintained by Anthony J. Carson, Jr, Town Administrator of the Town of Berlin, Maryland at the following location:

Town Hall
10 William Street
Berlin, Maryland 21811

If necessary, the Mayor and Council of the Town of Berlin will make arrangements for a translator when it is expected that non-English speaking persons will participate. Similarly, a signer shall be provided for a deaf or mute participant. If special accommodations are necessary, however, requests should be made to acarson@berlinmd.gov or 410-641-2770. At least ten (10) days advance notice is requested.

The Mayor and Council of the Town of Berlin will provide citizens an opportunity to comment on the proposed activities in an application to the State. Written comments may be sent to:

Town Hall
ATTN: CDBG COMMENTS
10 William Street
Berlin, Maryland 21811

TECHNICAL ASSISTANCE

When requested to provide technical assistance to groups representative of persons of low and moderate income, the Town of Berlin will assist if possible. Files shall document meetings between the group and the local government. If staff capacity to assist does not exist, the Town of Berlin may offer a referral to the State or to a consultant who can provide the necessary expertise.

COMPLAINTS AND GRIEVANCES

Citizens who wish to submit a complaint or grievance may do so by calling or writing:

Town Hall
10 William Street
Berlin, Maryland 21811

The Town of Berlin shall make reasonable effort to provide a response in writing to written complaints or grievances within 15 working days.

AMENDMENTS TO APPLICATIONS OR GRANTS

The Mayor and Council of the Town of Berlin, Maryland will provide citizens notice of, and opportunity to comment on, substantial changes to grants already made, including changes in the purpose, scope, location or beneficiaries. This can be achieved through public notice describing the change and establishing a comment period or through public hearing.

ATTEST/WITNESS

Mayor Wm. Gee Williams, III

This Citizen Participation Plan is hereby adopted by the Mayor & Council of the Town of Berlin, MD on _____, 20____. It is effective for a 3 year period until _____, 20____.



Mayor & Council of Berlin



FAIR HOUSING AND EQUAL OPPORTUNITY PLAN

As a recipient of federal Community Development Block Grant funds from the United States Department of Housing and Urban development received through the State of Maryland, the Town of Berlin is required to comply with all federal statutes, regulations and Executive Orders relating to civil rights, fair housing, non-discrimination and equal opportunity. The Town's compliance is not specific to the federally funded project or activity. The Town must ensure that its administrative practices, policies and laws meet the intent of the statutes, regulations and Executive Orders.

Therefore, the Town of Berlin commits to create an environment for its citizens where no one is excluded from participation or benefit due to their race, color, national origin, ethnicity, gender, disability, familial status, marital status, age or religion. The denial of rights based on any of these protected classes is detrimental to the health, safety and welfare of the citizens and constitutes an unjust denial or deprivation of such inalienable rights which is within the power and the proper responsibility of government to prevent.

Fair Housing

In accordance with the federal Civil Rights Act of 1968 (as amended), the federal Housing and Community Development Act of 1974 (as amended), and the Fair Housing act of 1988, the Town will promote through fair, orderly and lawful procedures, the opportunity for each person to obtain housing of such person's choice in this community without regard to race, color, national origin, ethnicity, gender, disability, familial status, marital status, age or religion.

To the best of our ability, the Town of Berlin will promote and encourage fair housing choice for all its residents. The City's administrative practices, policies and laws will attempt to prohibit:

- Discrimination in the Sale or Rental of Housing
- Discrimination in Housing Financing
- Discrimination in Providing Brokerage services
- Unlawful Intimidation

The Town will accept complaints from any citizen that feels that they have been discriminated against related to their housing choice. The Town will make an initial investigation and refer the complaint to the state or the federal housing departments.

For housing projects developed or assisted with federal funds, the Town will ensure that its subrecipients and developers will comply with statutes, regulations and Executive Orders.

Chapter 48 of the Town of Berlin Code, titled "Fair Housing" establishes the policy of the Town of Berlin to provide, within constitutional limitations, for fair housing.

Equal Opportunity

In accordance with the federal Civil Rights Act of 1964 (as amended), no person in the Town of Berlin shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance.

The Town will ensure that it will not discriminate in its procurement practices. The Town's procurement policies allow for open and competitive bidding concerning all procured goods and services. When applicable, the Town will solicit bids from minority and women owned businesses.

Affirmative Action Strategy

It is the policy of the Town of Berlin not to discriminate against any employee or any applicant for employment because of race, color, national origin, ethnicity, gender, disability, familial status, marital status, age or religion. The Town will take affirmative action to insure that this policy includes but is not limited to the following: recruitment and employment, promotion, demotion, transfer, compensation, selection for training, layoff and termination. Additionally, the Town will ensure that our contractors and subcontractors will not discriminate against any employee or applicant for employment.

Affirmatively Furthering Fair Housing

The Town of Berlin commits to affirmatively further fair housing in our community. Our programs will be administered in accordance with our efforts to provide a range of fair housing choices to our citizens.

The Town will undertake the following activities on an annual basis:

- Adopt a Fair Housing Proclamation and celebrate the month of April as Fair Housing Month

Excessive Force

The National Affordable Housing Act (NAHA) of 1990 (as amended) requires recipients of federal Community Development Block Grant funds through the United States Department of Housing and Urban Development to protect individuals engaging in non-violent civil rights demonstrations. To that end, the Town is required to develop and maintain a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations.

The Town of Berlin maintains a police department for the safety of its citizens. The Town prohibits the use of excessive force by employees of the police department against anyone engaged in non-violent civil rights demonstrations. This is more defined in the Berlin Police Department's "Use of Force and Reporting Use of Force" policy.

Limited English Proficiency

The Town of Berlin recognizes that, as its population increases, its population now includes persons from other countries whose primary language is not English. To that end, the Town will make efforts to identify various populations and to provide information to them in a language they understand.

Personnel Policies

The Town of Berlin's personnel policies are in compliance with all federal and state equal opportunity requirements. They are updated as requirements change.

Specifically, employees are notified of their rights, responsibilities and requirements of the specific jobs and as a representative of the Town. The personnel policies provide information on compensation, leave, termination, grievances, benefits, sexual harassment, and employee reviews. The personnel policy also provides information about conflict of interest provisions related to contracting and procurement.

A full copy of the personnel policies may be obtained at Town Hall during normal business hours.

ATTEST/WITNESS

Mayor Wm. Gee Williams, III

This Anti-Displacement Plan is hereby adopted by the Mayor & Council of the Town of Berlin, MD on _____, 20____. It is effective for a 3 year period until _____, 20____.



Mayor & Council of Berlin



PROCLAMATION 2012-08

FAIR HOUSING MONTH - APRIL 2012

WHEREAS, the Congress of the United States passed the Civil Rights Act of 1968, in which it was declared that the law of the land would guarantee the rights of equal housing opportunity; and

WHEREAS, the month of April is recognized by the federal government as Fair Housing Month, and realtors, developers, financial institutions, landlords, tenants, and the public at-large are reminded that it is illegal to discriminate in housing on the basis of age, race, religion, sex or national origin; and

WHEREAS, fair housing groups and the Maryland Department of Housing and Community Development have, over the years, received complaints of alleged illegal housing discrimination; and

WHEREAS, the State of Maryland, through the Maryland Department of Housing and Community Development, supports fairness in housing through a variety of programs and working partnerships with the federal government, local governments and private sector businesses to ensure better living conditions for all Marylanders, and

WHEREAS, equal housing opportunity is a condition of life in our community, that can and should be achieved;

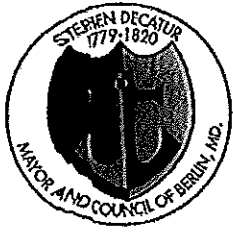
NOW THEREFORE, be it proclaimed that the **MAYOR AND COUNCIL OF THE TOWN OF BERLIN** hereby declare the month of April 2012 as **FAIR HOUSING MONTH** in the Town of Berlin and does commend this observance to all of our citizens.

WITNESS MY HAND AND SEAL, THIS _____ DAY OF _____, 2012

Wm. Gee Williams, III, Mayor

ATTEST:

Anthony J. Carson, Jr., Town Administrator



Mayor & Council of Berlin



GUIDE FOR RESIDENTIAL ANTI DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

The Town of Berlin, MD (hereinafter, "Berlin") hereby agrees to comply with all requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("URA"), as amended, as described in 49 CFR Part 24; and with the Housing and Community Development Act of 1974 ("HCD Act of 1974"), as amended, as described in 24 CFR Part 42.

Berlin will replace all occupied, and vacant occupiable, low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing in connection with activities assisted with funds provided under the HCD Act of 1974, as amended.

All replaced housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, Berlin will make public and submit to the Maryland CDBG Office the following information in writing:

- A. A description of the proposed assisted activity;
- B. The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
- C. A time schedule for the commencement and completion of the demolition or conversion;
- D. The general location on a map and approximate number of dwellings units by size (number of bedrooms) that will be provided as replacement dwelling units;
- E. The source of funding and a time schedule for the provision of replacement dwelling units; and
- F. The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling for at least ten (10) years from the date of initial occupancy.

Berlin will provide relocation assistance, as described in 24 CFR 42.350, to each low/moderate-income household displaced by the acquisition or demolition of housing or by the conversion or rehabilitation of low/moderate-income dwelling to another use as a direct result of assisted activities.

In addition, in consideration of the financial assistance received from the Maryland CDBG Program, particularly when such assistance is used for acquisition, rehabilitation, demolition, or conversion which results in displacement not covered by the URA, Berlin accepts the following as the anti-displacement and relocation standards by which the local CDBG project will be administered, including determination of entitlement to and payment of relocation benefits:

Definitions

- A. The term "tenant" includes any family, individual, business, nonprofit organization or farm that is a renter. It also includes any owner-occupant displaced as a direct result of non-URA acquisition by Berlin with the power of eminent domain, and any displaced owner-occupant of a mobile home who rents the site.
- B. The term "displaced" refers to a tenant who moves from his or her dwelling if:
 - i. The tenant has not been provided a decent, safe and sanitary dwelling unit on the property following the completion of the assisted activity, at a monthly cost for rent and utilities that does not exceed the greater of:
 - a. The tenant's cost for rent and utilities at the time that Berlin lets a contract for Berlin's assistance with the owner; or
 - b. Thirty (30) percent of the tenant household's gross income; or
 - ii. If temporary relocation is required, the tenant is not reimbursed for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation.

2. Eligibility Criteria for Benefits

- A. Any tenant legally occupying the property at the time that Berlin enters into a contract to provide assistance for the acquisition or rehabilitation; and
- B. Any tenant who legally moves into the property between such event and the actual acquisition, conversion, demolition, or rehabilitation without receiving prior written notice of his or her possible displacement as a result of the planned acquisition, conversion, demolition, or rehabilitation.

3. Benefits

Any tenant who is to be displaced as a result of CDBG financed rehabilitation, acquisition, conversion, or demolition, but whose displacement is not subject to the URA, will be provided with relocation assistance, including at a minimum;

- A. Reasonable moving expenses;
- B. Advisory services needed to help in relocating;
- C. Interim living costs;
- D. Security deposits and credit checks; and

E. For a displaced residential tenant:

- i. Referral to at least one suitable, decent, safe and sanitary replacement dwelling unit. Berlin shall advise tenants of their rights under the Federal Fair Housing Act, 42 U.S.C. §§ 3601—3619,, and of replacement housing opportunities in such a manner that, wherever feasible, they will have a choice between relocation within their neighborhood and other neighborhoods; and
- ii. each person must be offered rental assistance equal to 60 times the amount necessary to reduce the monthly rent and estimated average monthly cost of utilities for a replacement dwelling (comparable replacement dwelling or decent, safe, and sanitary replacement dwelling to which the person relocates, whichever costs less) to the "Total Tenant Payment", as determined under 24 CFR Part 813. All or a portion of this assistance may be offered through a certificate or voucher for rental assistance (if available) provided under Section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f.

4. General Policies

- A. Berlin will assure compliance with the provisions of benefits to displace residential tenants. However, Berlin may enter into a written agreement with a subrecipient, or the owner of the assisted property, under which either may pay all or part of the cost of the required relocation assistance.
- B. The cost of relocation assistance and other benefits shall be paid from CDBG funds or such other funds as may be available from any source.
- C. If any owner or occupant of assisted property disagrees with the determination of Berlin that these requirements do not apply to an acquisition or a displacement, the person may appeal that determination to:

Maryland CDBG Program
Department of Housing and Community Development
100 Community Place
Crownsville MD 21032-2023

- D. Consistent with the goals and objectives of the CDBG Program, will take every preventable action to minimize the involuntary displacement of persons from their homes and neighborhoods. Examples of action which, among others, may be taken to minimize or prevent displacement include:
 - i. Stage rehabilitation of assisted housing to allow tenants to remain during and after rehabilitation, working with empty buildings or groups of empty units first, so they can be rehabilitated first, and tenants moved in before rehabilitation of occupied units or buildings is begun.

- II. Establish temporary relocation facilities in order to house families whose displacement will be of short duration, so they can move back to their neighborhoods after rehabilitation or new construction.
- III. Provide counseling to assist homeowners and renters to understand the range of assistance that may be available to help them in staying in the area being revitalized.

ATTEST/WITNESS

Mayor Wm. Gee Williams, III
(Signature)

This Anti-Displacement Plan is hereby adopted by the Mayor & Council of the Town of Berlin, MD on _____, 20____. It is effective for a 3 year period until _____, 20____.



Mayor & Council of Berlin



MINORITY AND WOMEN BUSINESS PLAN

As a recipient of federal Community Development Block Grant funds through the United States Department of Housing and Urban Development received through the State of Maryland, the Town of Berlin, MD is required to make good faith efforts to contract with minority business enterprises (MBE) and women business enterprises (WBE) for goods and services.

A minority or women business enterprise is one that is at least 50% owned by a minority or a woman. For publicly-owned businesses, at least 51% of the stock must be owned by minority group members or women.

The Town of Berlin, MD will make efforts to solicit MBEs and WBEs. These efforts will include:

- Obtaining current MBE/WBE listings via the Maryland Department of Transportation
- Assuring that small businesses and MBEs and WBEs are solicited for appropriate contract opportunities
- Establishing a delivery system which will encourage participation by MBEs and WBEs
- Encouraging contractors to subcontract with MBE and WBE businesses

The Town will document efforts undertaken during the procurement process and maintain them in the CDBG files.

ATTEST/WITNESS

Mayor Wm. Gee Williams, III
(Signature)

This Minority and Women Business Plan is hereby adopted by the Mayor & Council of the Town of Berlin, MD on _____, 20____. It is effective for a 3 year period until _____, 20____.



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

Phone 410-641-2770 Fax 410-641-2316

www.berlinmd.gov



SECTION 3 PLAN

1. The Mayor and Council of the Town of Berlin, Maryland (Berlin) designates the corporate boundaries of the Town of Berlin (Berlin) as its Section 3 Business and Employment Project Area.
2. Berlin, its contractors, and designated third parties shall, in utilizing Maryland Community Development Block Grant (CDBG) funds, utilize businesses and lower income residents of Berlin in carrying out all activities, to the greatest extent feasible.
3. In awarding contracts for construction, non-construction, materials, and supplies Berlin, its contractors, and designated third parties shall take the following steps to utilize businesses which are located in or owned in substantial part by persons residing in Berlin:
 - a. Berlin shall identify the contracts required to conduct the CDBG activities.
 - b. Berlin shall identify through various and appropriate sources including:
 - i. Local Newspaper(s) of General Circulationthe business concerns in Berlin which are likely to provide construction contracts, non-construction contracts, materials, and services which will be utilized in the activities funded through the CDBG.
 - d. To the greatest extent feasible the identified business and any other project area business concerns shall be utilized in activities which are funded with CDBG.
4. Berlin and its contractors and subcontractors shall take the following steps to encourage the hiring of lower income persons residing in Berlin:
 - a. Berlin, in consultation with its contractors (including design and engineering professionals) shall ascertain the types and number of positions for both trainees and employees which are likely to be used to conduct CDBG activities.
 - b. Berlin shall advertise through the following sources:
 - i. Local Newspaper(s) of General Circulation
 - ii. The Maryland Department of Laborthe availability of such positions with the information on how to apply.
 - c. Berlin, its contractors, and subcontractors shall be required to maintain a record of inquiries and applications by project area residents who respond to advertisements, and shall maintain a record of the status of such inquiries and applications.
 - d. To the greatest extent feasible, Berlin, its contractors, and subcontractors shall hire lower income project area residents in filling training and employment positions necessary for implementing activities funded by CDBG.
5. In order to document compliance with the above affirmative actions and Section 3 of the *Housing and Community Development Act of 1968*, Berlin shall keep, and obtain from its contractors and subcontractors, *Registers of Contractors, Subcontractors and Suppliers* and *Registers of Assigned Employees* for all activities funded by CDBG. Such listings shall be completed and shall be verified by site visits and employee interviews, crosschecking of payroll reports and invoices, and through audits if necessary.

ATTEST/WITNESS

Mayor Wm. Gee Williams, III
(Signature)

This Section 3 Plan is hereby adopted by the Mayor & Council of the Town of Berlin, MD
on _____, 20____. It is effective for a 3 year period until _____, 20____.

TOWN OF BERLIN
PUBLIC HEARING
for the purpose of
CITIZEN PARTICIPATION

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

MONDAY, March 26, 2012

OUTLINE & AGENDA

I. SUMMARY OF PAST USE OF FUNDS

Total past Block Grant Funds Awarded: \$1,904,035.00 (includes \$600,000 awarded for FY 12, but not yet expended for Five Mile Branch Spray Site project)

Total past Block Grant Funds Expended: \$1,289,272.00

Breakdown by activity

71% \$918,888- Extend water & sewer lines/other sewer improvements
14% \$175,750 - Sidewalk Improvements
5% \$ 59,500 - Property Acquisition
4% \$ 50,000 - New Construction
2% \$ 27,709 - Administration
2% \$ 24,525 - Rental Rehabilitation
<2% \$ 16,400 - Economic Development/Revitalization Studies/Projects
<1% \$ 9,000 - Demolition/Clearance
<1% \$ 5,500 - Relocation Assistance
<1% \$ 2,000 - Community Housing Resources Board (C.H.R.B.)

II. CDBG FUNDING AVAILABLE

The allocation of federal funds for Community Development Block Grant for State Fiscal Year 12 is as follows:

State Administration	\$274,995
Technical Assistance	\$87,498
Community Development	\$5,199,832
Special Projects and Planning	\$1,000,000
Economic Development	\$2,187,442
TOTAL	\$8,749,767

III. OBJECTIVES/ELIGIBLE ACTIVITIES

The primary objectives of the Maryland CDBG program are to provide decent housing and necessary supporting infrastructure, preserve and develop viable communities through the expansion of economic opportunities, and meet the critical needs of Maryland's communities.

Eligible activities assisted under the Maryland Small Cities Block Grant Program may include the following as defined more specifically in 24 CFR Part 570, Subpart C.

- A. Acquisition, construction, reconstruction, or installation of public facilities.
- B. Assistance including loans and grants for activities carried out by public or private non-profit entities, including:
 - 1. acquisition, construction, reconstruction, rehabilitation, or installation of:
 - a. public facilities (except for buildings for the general conduct of government), site improvements, and utilities.
 - 2. planning

NOTE: Buildings for the general conduct of government, such as city halls, county administration buildings and police stations, are specifically excluded as are political activities, equipment purchases, furnishing, and operations, maintenance or repair of public facilities and works.

IV. CURRENT PLANNED USE OF CDBG

The Town of Berlin will submit an application for Community Development Block Grant funding for the renovation of the William Street and Chamber of Commerce Public Restrooms in the amount not to exceed \$125,000.00. The total project cost is estimated to not exceed \$125,000.00.

V. PUBLIC COMMENT ON PROPOSED USE OF FUNDS

Citizens interested in commenting on these activities and/or the proposed CDBG applications can do so at this time or submit written comments to:

Town of Berlin
Attn: CDBG Comments
10 William Street
Berlin, MD 21811

VI. MAYOR & COUNCIL DISCUSSION

VII. RESOLUTION 2011-04 (attached)



Mayor & Council of Berlin



RESOLUTION 2012-05

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND
AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT
APPLICATION IN AN AMOUNT NOT TO EXCEED \$125,000.00 FOR THE PURPOSE OF
RENOVATION OF PUBLIC RESTROOMS IN THE TOWN OF BERLIN.

WHEREAS, State of Maryland through the Department of Housing and Community Development has solicited applications from eligible jurisdictions to apply for funding under the Maryland Community Development Block Grant (CDBG) Program; and

WHEREAS, The Mayor and Council of the Town of Berlin is eligible to apply for funds from the Maryland CDBG program through the Maryland Department of Housing and Community Development; and

WHEREAS, the Mayor and Council of the Town of Berlin have held the required public hearing(s) related to the formulation of the Town of Berlin's Block Grant Application;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Berlin authorize the submittal of an application for Community Development Block Grant funds for the Renovation of Public Restrooms in an amount not to exceed \$125,000.00 this 26th day of March, 2012; and

BE IT FURTHER RESOLVED, that Mayor Wm. G. Williams, III is authorized and empowered to execute any and all documents required for the submission of the application.

ADOPTED THIS _____ DAY OF MARCH, 2012 BY THE MAYOR AND COUNCIL OF THE
TOWN OF BERLIN BY AFFIRMATIVE VOTE OF ____ TO ____ OPPOSED WITH ____
ABSTAINING.

Wm. G. Williams, III, Mayor

Elroy Brittingham, Sr. Vice President

ATTEST: _____
Anthony J. Carson, Jr.
Town Administrator

TOWN ADMINISTRATOR'S REPORT
03-26-12

Purchase Orders

PO# 201202468 in the amount of \$3,900.00 to Curtis Mercer Remodeling for emergency repair of one half of roof at pump room located on Powellton Avenue.

PO# 201202490 in the amount of \$5,098.10 to Cody Computer Services for Annual Service Agreement for Police Department.

PO# 201202512 in the amount of \$10,000.00 to Burley Oak Brewing LLC for match of façade grant.

Updates